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MERCHANT & GOULD PC			GRAY, LINDA L	
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1734

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,583

Applicant(s)

WURDELL ET AL.

Examiner

Linda L Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-23-03, 9-25-03, 11-28-03, 12-10-03, & 11-30-04
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date filed 12-10-03 & 9-25-03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Election/Restriction

1. Applicant's election with traverse of claims 1-11 and 18 in the reply filed on 11-30-04 is acknowledged. The traversal is on the grounds that there is no undue burden for searching claims 12-17 as well and that a search of one group entails a search of the other group. The argument is not persuasive because MPEP § 806.05(e) indicates that the inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. In this case the process as claimed can be practiced by another materially different apparatus such as an apparatus requiring a substrate provider.

The requirement is still deemed proper and is therefore made final. Claims 12-17 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-6, 8, 11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Klund et al. (US 3,810,407).

Claim 1, Klund et al. teach lamination mechanism 10 including the following:

- (a)** a supply of web material 26 containing a plurality of laminae stamps wherein material 26 includes a leading edge (c 3, L 18-19 and 50-54),
- (b)** a lamination station, including roller 40 (c 3, L 14-16; Fig 11),

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(c) a drive mechanism, including roller 45 (c 4, L 21-28), engagable with material 26 for driving the edge thereof toward and into the lamination station, and

(d) a lamina separation mechanism, including items 70/71 (c 4, L 28-38), that is positioned within the lamination mechanism at a position so that one lamina stamp is separated from material 26 after the edge of material 26 is laminated to substrate 87 (c 4, L 53, to c 5, L 9).

Claim 4, material 26 includes a plurality of the lamina stamps separated by lines of weakness (Fig 2). **Claim 5**, the lines of weakness are formed by perforations (Fig 2). **Claim 6**, the lamina stamps have squared corners and each has a size approximating a card-shaped substrate in that each lamina stamp is approximately squared/rectangular like shape like a squared/rectangular card (Fig 2). **Claim 8**, the lamina separation mechanism includes a structure that is fixed in position in that items 70/71 are fixed to roller 40 (Fig 5). **Claim 11**, the supply of material 26 and the drive mechanism is provided in cassette mechanism (Figs 1-3). **Claim 18**, there is provided alignment means for aligning the lamina stamps and substrates 87 wherein the alignment means includes item 17 (c 3, L 20-33; Fig 11).

Claim Rejections - 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klund et al. in view of Pfeffer (US 4,288,272).

Claim 3, Klund et al. does not teach a sensor for sensing the leading edge.

However, Pfeffer teaches a label sensor for use with a laminating apparatus to accomplish bonding, i.e., the material travels through a known distance in the correct time to contact a moving substrate at the proper location (see reference, specifically c 3, L 46-54).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Klund et al. a sensor the sensing the leading edge to ensure that stamps contact the moving substrate 87 at the proper time and location as taught by Pfeffer.

6. Claims 1, 4-8, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohbogner (US 3,178,329).

Claim 1, Rohbogner teaches a lamination mechanism including the following:

- (a)** supply 4 of web material 5 containing a plurality of laminae 5' via roller 9 wherein material 5 includes a leading edge (c 3, L 33-55;; c 4, L 60-64),
 - (b)** a lamination station, including rollers 14 (c 3, L 65, to c 4, L 6),
 - (c)** a drive mechanism for driving the edge thereof toward and into the lamination station, and
 - (d)** a lamina separation mechanism, including items belts 13 and 13' (c 4, L 4-22) that is positioned within the lamination mechanism at a position so that one lamina stamp 5' separated from material 5 after the edge of material 5 is laminated to substrate
- 2.

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Claim 1, Rohbogner does not teach specifics of the drive mechanism, i.e., that it is engagable with material 5.

However, it is conventional to feed a continuous web from a supply using a pair of rollers on each side of the web, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Rohgohner that the drive mechanism is engagable with material 5 using a pair of rollers on each side because it is obvious to use a successful feed means where Rohbogner does not place restrictions on the feed means.

Claim 4, material 5 includes a plurality of the lamina 5' separated by lines of weakness (Figs 3-4). **Claim 5**, the lines of weakness are formed by perforations (Figs 3-4). **Claim 6**, the lamina 5' have squared corners and each has a size approximating a card-shaped substrate in that each lamina 5' is squared like a squared card (Figs 3-4). **Claim 7**, the lamina separation mechanism is actuatable (rotatable) into engagement with material 5 adjacent the lines of weakness. **Claim 8**, the lamina separation mechanism includes a structure that is fixed in position in that items 13 and 13' are fixed about rollers 14. **Claim 10**, in Rohbogner modified the drive mechanism is a pair of drive rollers. **Claim 18**, there is provided alignment means for aligning the lamina 5' and substrates 2 wherein the alignment means include roller 10 and 14 and belts 13 and 13'.

7. Claims 1-2, 4-8, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Angelo et al. (US 4,272,311).

Claim 1, D'Angelo et al. teach a lamination mechanism including the following:

(a) supply 12 of web material 14 containing a plurality of lamina 16 wherein material 14 includes a leading edge (c 3, L 49, to c 4, L 12),

(b) a lamination station, including rollers 48 and 42 (c 5, L 34, to c 6, L 3),

(c) a drive mechanism engagable with material 14 for driving the edge thereof toward and into the lamination station, and

(d) a lamina separation mechanism, including item 25 (c 4, L 43, to c 5, L 3; Fig 4) that is positioned within the lamination mechanism at a position so that one lamina 16 is separated from material 14 after the edge of material 14 is laminated to substrate 36.

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Claim 1, *D'Angelo et al. do not teach specifics of the drive mechanism, i.e., that it is engagable with material 14.*

However, it is conventional to feed a continuous web from a supply using a pair of rollers on each side of the web, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in D'Angelo et al. that the drive mechanism is engagable with material 14 using a pair of rollers on each side because it is obvious to use a successful feed means where D'Angelo et al. do not place restrictions on the feed means.

Claim 2, the lamina separation mechanism is positioned between the drive mechanism and the lamination station in D'Angelo modified. **Claim 4**, material 14 includes a plurality of the lamina 16 separated by lines of weakness (Fig 1). **Claim 5**, the lines of weakness are formed by perforations (Fig 1). **Claim 6**, the lamina 16 have squared corners and each has a size approximating a card-shaped substrate in that each lamina 16 is squared like a squared card (Fig 1). **Claim 7**, the lamina separation mechanism is actuatable into engagement with material 14 adjacent the lines of weakness (Fig 4; c 4, L 43-62). **Claim 8**, the lamina separation mechanism includes a structure that is fixed in position in that item 25 is fixed to a stationary block via 30 (Fig 4). **Claim 10**, in D'Angelo et al. modified the drive mechanism is a pair of drive rollers. **Claim 18**, there is provided alignment means for aligning the lamina 16 and substrates 36 wherein the alignment means include belt 46.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Angelo et al. as applied to claims 1-2, 4-8, 10, and 18 above and further in view of Pfeffer.

Claim 3, *D'Angelo et al. does not teach including a sensor for sensing the leading.*

However, in view of Pfeffer, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in D'Angelo et al. a sensor the sensing the leading edge to ensure that lamina 16 contact the moving substrate 36 at the proper time and location as taught by Pfeffer.

9. Claims 1-2, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. (US 4, 227,955).

Claim 1, Woods et al. teach a lamination mechanism (Fig 1) including the following:

(a) supply 30 of web material ST containing a plurality of laminae MT wherein material ST includes a leading edge (c 4, L 24-48),

(b) a lamination station, including rollers 100 (c 5, L 10, to c 6, L 6),

(c) a drive mechanism for driving the edge thereof toward and into the lamination station, and

(d) a lamina separation mechanism, including items 66, that is positioned within the lamination mechanism at a position so that one lamina MT is separated from material ST after the edge of material ST is laminated to substrate C.

Claim 1, Woods et al. do not teach specifics of the drive mechanism, i.e., that it is engagable with material ST.

However, it is conventional to feed a continuous web from a supply using a pair of rollers on each side of the web, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Woods et al. that the drive mechanism is engagable with material ST using a pair of rollers on each side because it is obvious to use a successful feed means where Woods et al. do not place restrictions on the feed means.

Claim 2, the lamina separation mechanism is positioned between the drive mechanism and the lamination station at outer roller 100 in Woods et al. modified. **Claim 10**, in Wood et al. modified the drive mechanism is a pair of drive rollers. **Claim 18**, Woods et al. teach an alignment means for aligning lamina MT and substrate C including roller 36 for example.

10. Claims 1, 9-10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onodera et al. (US 5,653,846).

Claim 1, Onodera et al. teach lamination mechanism 1 including the following:

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(a) supply 17A of web material 19A wherein material 19A includes a leading edge (c 3, L 36-41),

(b) a lamination station where material 19A is laminated to substrate S (c 3, L 42-47), (c) a drive mechanism engagable with material 19A for driving the edge thereof toward and into the lamination station where the drive mechanism includes for example a pair of rollers 10A and 10B, and

(d) a lamina separation mechanism, including item 13A/13B (c 3, L 66 to c 4, L 8) that is positioned within the lamination mechanism at a position so that a lamina is separated from material 19A after the edge of material 19A is laminated to substrate S.

Claim 1, Onodera et al. do not teach that material 19A includes a plurality of the lamina in that material 19A is a monolithic web.

Onodera et al. teach substrate S to have an image printed thereon and that material 19A is laminated thereover for protection (c 1, L 5-15). It is conventional in the art of making protected substrates such as S of Onodera et al. that the protective material thereover also include decorative indicia which interacts with print on the substrate as desired.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Onodera et al. that material 19A include a plurality of the lamina in that continuous material 19A include spaced decorative indicia along the length to provide each substrate S with a decorative protective material if desired which interacts with indicia on a respective substrate S as desired.

Claim 9, Onodera et al. teach the lamination station to include feed roller 10A and roller 10B which are both heated and driven via motor 23. **Claim 10**, this limitation has been discussed above in the discussion of claim 1. **Claim 18**, Onodera et al. teach alignment means 20A for aligning material 19A and substrate S.

Art of Record

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11. The following prior art is made of record: Campion et al and Van Hofe both teach a lamina separation mechanism that is positioned within a lamination mechanism at a position so that one lamina is separated from the supply material before the edge of the material is laminated to a substrate.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public Pair. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free).

llg 
February 22, 2005


LINDA GRAY
PRIMARY EXAMINER